

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

BORIS LISYANSKY

Defendant.

11-CR-986 (GBD)

DEFENDANT BORIS LISYANSKY'S PROPOSED
EXAMINATION OF PROSPECTIVE JURORS

Melinda Sarafa
SARAFALAW LLC
747 Third Avenue, Floor 20
New York, NY 10017
Tel: 212-785-7575
Fax: 212-785-7575
msarafa@sarafalaw.com

Beth Farber
Harris O'Brien
111 Broadway, Suite 1502
New York, New York 10006
Tel: 212-785-4275
farber@harrisobrien.com

Counsel to Defendant Boris Lisyansky

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
v.	:
	:
BORIS LISYANSKY	:
	:
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**DEFENDANT BORIS LISYANSKY'S PROPOSED
EXAMINATION OF PROSPECTIVE JURORS**

The defendant, BORIS LISYANSKY, by and through his counsel, respectfully requests, pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, that the Court include the following questions in its general voir dire of the jurors so that the defense may effectively exercise its challenges for cause and its peremptory challenges. Mr. Lisyansky respectfully requests that the Court conduct more detailed questioning at sidebar or in the robing room if a prospective juror's answer suggests that further inquiry is appropriate.

Proposed Voir Dire Questions

1. Mr. Lisyansky is charged with conspiring to commit a murder for hire although no one was killed during the offense. Do any of you believe that Mr Lisyansky must be guilty of something because he has been charged in this case?
2. Some people believe that Government never arrests an innocent person in a criminal case. Do any of you believe this to be true?
3. Do you, or any family members or close friends, work for law enforcement?
4. Do you believe it is possible for law enforcement officers to make mistakes?

5. Would you hold the testimony of a law enforcement professional in higher esteem simply because of his or her profession?

6. Have you, a family member or close friend ever had a negative experience with the government? If yes, please explain.

7. Have you, any family member or close friend ever been falsely accused of a crime? If yes, please explain.

8. Mr. Lisiansky is presumed innocent, and the Government has the burden of proving each element of the charged offenses beyond a reasonable doubt. Do any of you feel that there may be cases in which it is appropriate to find that the Government has not proven its case beyond a reasonable doubt?

9. Mr. Lisiansky has no obligation to testify in this case or prove his innocence. The burden rests with the Government to prove him guilty beyond a reasonable doubt. If Mr. Lisiansky chooses not to testify, would you consider that to be evidence of guilt?

11. Do any of you believe that the Constitution affords too many protections to criminal defendants?

12. Do any of you have a greater fear of letting a guilty person go than of convicting an innocent person?

13. Mr. Lisiansky has no obligation to call any witnesses in his defense. If he chooses not to call any witnesses, would you consider that to be evidence of guilt?

14. Some Government witnesses have admitted being involved in the crime charged here. They will be testifying pursuant to cooperation agreements with the Government. Do any of you believe that such a witness might have a motive to testify falsely? Would any of you assume that such a witness would necessarily tell the truth under oath?

15. You may hear testimony regarding serious mental illness from which one of the government's witnesses suffers. Have you or any member of your immediate family ever suffered from serious mental illness?

16. Have you or any member of your immediate family ever been hospitalized for mental illness?

17. Do you have any special training in the mental health field, such as being a psychiatrist, a psychologist, a social worker, a psychiatric nurse or aid?

18. Do you or any member of your immediate family work in the mental health field in any capacity?

19. Would you automatically believe the opinion of an expert witness? Please explain.

20.. Would any of you be more likely to believe an expert because he or she testifies for the Government? Would any of you be more likely to believe an expert because he or she testifies for the defense?

21. Mr. Lisiansky and some of the witnesses in this case are of Russian descent. Do you believe that because the defendant is of Russian origin he is more likely to be guilty?

Dated: April 12, 2013
New York, NY

Respectfully submitted,

s/Melinda Sarafa

Melinda Sarafa
SARAFALAW LLC
747 Third Avenue, Floor 20
New York, NY 10017
Tel: 212-785-7575
Fax: 212-785-7577
msarafa@sarafalaw.com

s/Beth Farber

Beth Farber,
Harris O'Brien
111 Broadway, Suite 1502
New York, New York 10006
Tel: 212-785-4275
farber@harrisobrien.com

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Counsel to Defendant Boris Lisiansky